

REMARKS

The Official Action dated February 25, 2005 has been received and its contents carefully noted. In view thereof, claims 1, 9, 11 and 12 have been amended and new claims 13 and 16 have been added in order to better define that which Applicants define as the invention. Accordingly, claims 1-16 are presently pending in the instant application.

Initially, Applicants wish to acknowledge the Examiner's indication in paragraph 10 of the Office Action that claims 9 and 10 have been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. In this regard, as can be seen from the foregoing amendments, claim 9 has been amended to include all the limitations of previous independent claim 1 and consequently has been rewritten in independent form. Accordingly, it is respectfully submitted that each of claims 9 and 10 are now in proper condition for allowance.

With reference to paragraphs 2, 3 and 4 of the Official Action, claim 11 has been rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Particularly, the Examiner notes that the limitation "said recess" recited in line 13 of claim 11 lacks proper antecedent basis. Accordingly, as can be seen from the foregoing amendments, claim 11 has been amended in order to properly provide antecedent basis for all limitations set forth in the claim. Accordingly, it is respectfully submitted that claim 11 is now in proper formal condition for allowance.

With reference to paragraph 6 of the Office Action, claims 1, 2, 5 and 6 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Nos. 6,705,658 and 6,499,787 each issued to Jach et al. These rejections are respectfully traversed in that the

patents to Jach et al. neither disclose nor remotely suggest that which is presently set forth by Applicants' claimed invention.

As can be seen from the foregoing amendments, independent claim 1 has been amended to recite a seat storing structure for a vehicle which includes a headrest pivotally supporting mechanism provided between the seat back and the headrest for pivotally supporting the headrest with respect to the seat back so as to allow the headrest to shift between a first state where the headrest is located at the top of the seat back with said seat in the seating state and a second state where the headrest is located on a back surface of the seat back and within paths of pivotal motion of the seat back and seat cushion with the seat maintaining the folded state.

With reference to the teachings of Jach et al., it is noted that Figs. 13 and 14 illustrate a condition where the folding seat is stored in a compartment with the headrest remaining in its upright position as well as a condition where the headrest is stored in a storage pocket 125 on the underside of the lower seat 128, column 5, lines 12-15. However, it is respectfully submitted that this reference merely discloses a recess for receiving the headrest and clearly fails to disclose or remotely suggest that the headrest remain connected to the upper portion of the seat back and further fails to disclose or remotely suggest a headrest pivotally supporting mechanism for permitting the headrest to pivot from an upright and a seated condition to a pivoted and folded condition against the seat back. Accordingly, it is respectfully submitted that independent claim 1, as well as those claims which depend therefrom, clearly distinguish over the teachings of Jach et al. and are in proper condition for allowance.

With reference to paragraph 9 of the Office Action, claims 3, 4, 7, 8, 11 and 12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Jach et al. in view of U.S.

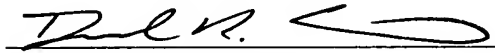
Patent No. 5,269,581 issued to Odagaki et al. This rejection is respectfully traversed in that the patent to Odagaki et al. fails to overcome the aforementioned shortcomings associated with the teachings of Jach et al. Particularly, as noted hereinabove, Jach et al. fails to disclose or remotely suggest a headrest pivotally supporting mechanism which allows the headrest to pivot between a first state and a second state. Furthermore, it is noted that the patent to Odagaki et al. fails to disclose a headrest being incorporated in the folding seat. While the patent to Odagaki et al. may disclose a seat which is pivoted into a recess in which the recess is substantially the same size as the seat being stored therein, this reference clearly fails to disclose or render obvious that which is presently set forth by Applicants' claimed invention. Accordingly, it is respectfully submitted that Applicants' claimed invention as set forth in claims 3, 4, 7, 8, 11 and 12 clearly distinguishes over the combination proposed by the Examiner and is in proper condition for allowance.

With respect to new claims 13-16, each of these claims are either directly or indirectly dependent upon independent claim 1, and consequently, each of these claims are likewise believed to be in condition for allowance for the reasons discussed hereinabove.

Therefore, in view of the foregoing it is respectfully requested that the objections and rejections of record be reconsidered and withdrawn by the Examiner, that claims 1-16 be allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



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